

**Remarks**

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and the following remarks. Claims 1-18 and 20-27 are pending in the application. Claims 1-18 and 20-27 are rejected. No claims have been allowed. Claims 1, 20, 23, and 27 are independent. Claims 1, 3, 4, 16, 20, 23, 25, 26, and 27 have been amended.

***Cited Art***

The Action cites:

Meyer et al. (U.S. Application No. 09/769017, Date Published: October 18, 2001), now issued as U.S. Patent No. 6,829,368 (“Meyer”);

Naor et al. (Moni Naor and Moti Young, “Universal One-Way Hash Functions and their Cryptographic Applications”) (“Naor”);

Tynan et al. (U.S. Application No. 09/853380, Date Published: March 14, 2002), now U.S. Publication No. 2002/0032489 (“Tynan”); and

Rowe (U.S. Application No. 09/746944, Date Published: September 26, 2002), now U.S. Patent No. 6,645,077 (“Rowe”).

***Objections to the Specification***

The Action objects to the specification over a minor informality on page 7, lines 13-14, where the specification contains a typographical error. [Action, at page 2, para. 3.] The specification has been amended to correct this error.

The Action also objects to the specification as “failing to provide proper antecedent basis for the claimed subject matter.” [Action, at page 2, para. 4.] Specifically, the Action objects to the language “functions included in an application programming interface” as recited in claim 16. Applicants respectfully note, however, that the Application does disclose the use of “Microsoft Corporation’s Cryptography API” at page 9. “API” in this sense refers to an application programming interface. The specification has since been amended for clarification and now reads:

Described techniques and tools can use any of the one-way hashing algorithms described above, or other application identifier generation algorithms. For example, in one implementation, one or more hashing functions included in

Microsoft Corporation's Cryptography API (CryptoAPI, where API refers to an "Application Programming Interface") are used. For more information, see Microsoft Corporation's Cryptography API Software Developer's Kit.

[Application, at page 9, line 9.] Applicants believe that, with these amendments, the objections to the specification have been addressed.

### ***Claim Objections***

The Claim 16 is objected to for an informality. [Action, at page 3, para. 5.] The claim has been corrected to correct a typographical error. Applicants request that the objection to claim 16 be withdrawn.

Claim 19 is objected to as well. Claim 19 has been cancelled.

### ***Claim Rejections under 35 U.S.C. § 112***

The Action rejects claim 1 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Action objects to the language "generating an application identifier" recited at line 6 of the claim [Action, at pages 3-4, para. 8.] The claim has been amended to recite "generating the application identifier."

The Action also objects to the language "on a computer system" at lines 8-9 of claim 1. [Action, at page 4, para. 9.] The claim has been amended to recite "on the computer system."

The Action rejects claim 23 under 35 U.S.C. § 112, second paragraph, alleging that the language "an application identifier" in line 3 is unclear, given similar language in lines 1-2. The claim has been amended to remove the similar language from lines 1-2.

The Action rejects claims 25 and 26 under 35 U.S.C. § 112, for reciting the structural element "the application database" while claim 23, from which the claims depend, recites "a database." Claims 25 and 26 have been amended to recite "a database."

Applicants believe that, with the above amendments, the language of the claims now satisfies the requirements of 35 U.S.C. § 112.

The Action also rejects claim 20 under 35 U.S.C. § 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. Specifically, the Action alleges that claim 20 omits certain "querying" language. Applicants

respectfully disagree that such language is essential to the originally-filed claim. Nonetheless, Applicants have amended the claim to include the following language:

querying a games metadata service to obtain games metadata related to the gaming-related software application; and  
displaying information associated with the gaming-related software application in the graphical user interface-based gaming activity center.

Support for this language can be found, for example, at page 15, lines 4-16 of the Application. Applicants believe that, including the language quoted above, claim 20 satisfies the requirements of 35 U.S.C. § 112.

### ***Claim Rejections under 35 U.S.C. § 101***

The Action rejects claim 1 under 35 U.S.C. § 101, alleging that the claimed invention lacks patentable utility. No other claim was rejected for lacking patentable utility. Applicants have amended claim 1 to incorporate the language of claim 2 (e.g. “wherein the identifier generation algorithm is a hashing algorithm”). Applicants believe that, with the addition of this language from a claim that is not rejected under this rationale, claim 1 should be found to have patentable utility and the rejection of claim 1 under § 101 should be withdrawn.

The Action also rejects claims 1-27 under 35 U.S.C. § 101 as allegedly directed toward non-statutory subject matter. Applicants respectfully note that independent claims 1, 23, and 27 have been amended to recite various “displaying” language. For example, claim 1, as amended, recites:

utilizing the application identifier for the software application to display information about the software application in a graphical user interface

Claim 23, as amended, recites,

utilizing the application identifier for the software application to display information about the software application in a graphical user interface . . .

And claim 23, as amended, recites,

means for displaying information about the software application using the application fingerprint to identify the software application.

Additionally, Applicants respectfully note that, while the Action appears to reject claim 20 under 35 U.S.C. § 101, the Action does not specifically provide a rationale for doing so. Nonetheless, Applicants respectfully note that claim 20 recites “displaying information associated with the

gaming-related software application in the graphical user interface-based gaming activity center.”

Applicants respectfully argue that, by displaying information based on the generated application identifier or fingerprint, these independent claims produce a useful, concrete, and tangible result. As such, independent claims 1, 20, 23, and 27, and thus their dependent claims 2-18, 21, 22, and 24-26 are directed to statutory subject matter. Applicants therefore request that the rejection of claims 1-18 and 20-27 under § 101 be withdrawn and that the claims be allowed.

### ***Claim Rejections under 35 U.S.C. § 102***

The Action rejects claims 23, 25, and 26 under 35 U.S.C. 102(b) as being anticipated by Meyer. Applicants respectfully submit the claims are allowable over the cited art. For a 102(b) rejection to be proper, the cited art must show each and every element as set forth in a claim. (See MPEP § 2131.01.) However, the cited art does not describe each and every element. Accordingly, applicants request that all rejections be withdrawn. Claim 23 is independent.

Claim 23, as amended, recites:

obtaining an application identifier for a software application, where the application identifier is a hash value generated by a hashing algorithm, *the hash value based on distinct application binary data comprising graphical icon data for the software application . . .*

[Emphasis added.] For example, the Application describes the use of icon data with respect to Figures 3 and 4:

The application-specific distinct binary data block 310 is data associated with application for which the identifier is to be generated. . . . *For example, icon data can be extracted from the application binary or obtained from an external icon file.*

...

Because applications often have several different icons associated with them, not all of the icon data need be used to form the application-specific block of data in a system such as the one shown in Figure 4. For example, if an application binary contains 12 different icons of different sizes or resolutions, some subset of the icons (e.g., icons that are distinctive and unlikely to change in revisions to the application) can be used to form the block of data. As another example, if one or more external icon files are associated with the application, data in the icon files can be omitted from the application-specific data block, or can be used instead of or in combination with icon data in the application binary.

Other application-specific data also can be used. For example, a hashing algorithm could be applied to a combination of icon data and some other

application-specific data, such as a shortcut name or other data that is not likely to change after the application has been installed.

[Application, at page 8, line 2 to page 10, line 8; emphasis added.]

*Meyer does not teach or suggest “the hash value based on distinct application binary data comprising graphical icon data” as recited in claim 23.* In its rejection, the Action cites the “binary data” at paragraph 13, line 4 of Meyer as reading on the above-quoted language of the claim. [See, Action, at § 19, page 9.] This portion of Meyer reads, however:

There are a number of ways to associate an identifier with an audio object. *One way to associate the identifier is to insert it in the form of a numeric or alphanumeric code (e.g., binary or M-ary code) in the electronic file in which the audio is stored.*

[Meyer, at column 2, lines 53-56; emphasis added.] As the emphasis above shows, the cited portion of Meyer does not describe that a hash value is *based on* “application binary data comprising graphical icon data.” Instead, the cited portion describes *associating an identifier by inserting it* as a binary code. This identifier cannot be “based on” the binary code, as it has already been created before being associated with an audio object. The “binary data” that the Action points to is the form that the created identifier takes, not anything that the identifier may or may not be based on.

For at least this reason, Meyer does not teach or suggest each and every element of claim 23. Applicants respectfully request that claim 23, as well as dependent claims 25 and 26 be withdrawn and that the claims be allowed.

***Patentability of Claims 1-6, 14, 18, and 27 under 35 U.S.C. § 103(a)***

The Action rejects claims 1-6, 14, 18, and 27 under 35 U.S.C. § 103(a) as being unpatentable over Naor in view of Tynan. The Action fails to establish a *prima facie* case of obviousness for these claims. Accordingly, Applicants request that the rejections be withdrawn. Claims 1 and 27 are independent.

*Claim 27*

Claim 27 recites:

means for obtaining icon data for a software application

Examples of such means can be found in the Application; some examples are quoted above with respect to Figures 3 and 4.

*Naor's description of generic hashing does not teach or describe "means for obtaining icon data for a software application" as recited in claim 27.* In its rejection of the language above, the Action cites to the hashing of an "element x" "where element x is any program or large file" citing to paragraphs 3 and 4 of Naor. [See, Action, at § 22, page 16.] Applicants note, however, that the cited passages of Naor do not discuss icon data:

To prevent computer viruses from modifying the programs, the users would like to authenticate the programs before their use. . . .

We call the hashing of a large file a public fingerprint.

[Naor, page 33, paragraphs 3 and 4.] As the passage shows, the cited portion of Naor describe only generic hashing of "large files" and possibly of "programs." Nowhere in this passage does Naor describe hashing of icon data. Indeed, Naor does not describe icon data at all. As such, Naor does not appear to teach or suggest "means for obtaining icon data" as recited in the claim. Furthermore, Applicants respectfully note that even if, for the sake of argument, Naor's description of "large files" or "programs" could be considered to read on the "software application" of claim 27, Naor does not teach or suggest any means for "obtaining icon data" from such an application.

For at least these reasons, Naor does not teach or suggest the above-quoted language of claim 27. Furthermore, Applicants do not find relevant disclosure in Tynan. Tynan, as the Action notes, describes only that "[a] hashing algorithm can be used to calculate a 'fingerprint' of any binary stream, such as a file on a computer disc." [Tynan, at paragraph 20, lines 2-4, *cited in Action, at § 22, page 16.*] Thus, even if Tynan is given the broad reading suggested in the Action, it describes only the act of *hashing* a generic binary stream. Applicants do not find in Tynan any teaching or suggestion for "obtaining icon data" as recited in claim 27.

For at least these reasons, neither Naor nor Tynan, taken either separately or in combination appear to teach or suggest the above-quoted language of claim 27. Applicants respectfully request that the rejection of claim 27 be withdrawn and the claim be allowed.

*Claim 1*

Claim 1 recites:

obtaining graphical icon data from the software application;

For at least the reasons described above with respect to claim 27, neither Naor nor Tynan teaches or suggests the above-quoted language of independent claim 1. Applicants respectfully request that the rejection of independent claim 1, as well as dependent claims 2-6, 14, and 18 be withdrawn and the claims be allowed.

***Patentability of Claims 20, 22, and 24 under 35 U.S.C. § 103(a)***

The Action rejects claims 20, 22, and 24 under 35 U.S.C. § 103(a) as being unpatentable over Meyer in view of Rowe. The Action fails to establish a *prima facie* case of obviousness for these claims. Accordingly, Applicants request that the rejections be withdrawn. Claim 20 is independent.

Claim 20 recites:

applying a hashing algorithm to distinct application binary data . . ., the *distinct application binary data at least comprising icon data* and a name for an executable file for the software application;

generating a hash value based on the *applying of the hashing algorithm to the distinct application binary data*,

[Emphasis added.] For at least the reasons discussed above with respect to claim 23, Meyer does not teach or suggest the above-quoted language of claim 20. Furthermore, Applicants fail to find relevant disclosure in Rowe. Rowe describes a “gaming terminal data repository” which “may store . . . game software component information . . . in a database.” [Rowe, at Abstract.] As such, Applicants do not believe Rowe reads upon the above-quoted language of claim 20.

Applicants further note that Meyer and Rowe do not appear to teach or suggest the newly-added language “wherein the graphical user interface-based gaming activity center displays at least one game that was introduced to the activity center through an automatic search and at least one game that was introduced to the activity center through a manual search” from claim 20.

Neither Meyer nor Rowe teaches or suggests the above-quoted language of independent claim 20. Applicants respectfully request that the rejection of independent claim 20, as well as dependent claims 22 and 24 be withdrawn and the claims be allowed.

***Patentability of Claims 7-13, 15, and 17 under 35 U.S.C. § 103(a)***

The Action rejects claims 7-13, 15, and 17 under 35 U.S.C § 103(a) as being unpatentable over Naor in view of Tynan in view of Meyer. Claims 7-13 and 15-17 depend from claim 1. As discussed above, Naor and Tynan fail to teach or suggest at least one element of claim 1. Applicants furthermore do not find relevant disclosure in Meyer, for at least the reasons discussed above with respect to claim 23. Thus, Naor, Tynan, and Meyer, taken either separately or in combination fail to teach or suggest at least one element of claims 7-13, 15, and 17. Applicants respectfully request that the rejection of claims 7-13, 15, and 17 be withdrawn and the claims be allowed.

***Patentability of Claim 7-13, 15, and 17 under 35 U.S.C. § 103(a)***

The Action rejects claim 21 under 35 U.S.C § 103(a) as being unpatentable over Meyer in view of Tynan in view of Naor. Claim 21 depends from claim 20. As discussed above, Meyer fails to teach or suggest at least one element of claim 20. Applicants furthermore do not find relevant disclosure in Tynan or Naor, for at least the reasons discussed above. Thus, Meyer, Tynan, and Naor, taken either separately or in combination fail to teach or suggest at least one element of claim 21. Applicants respectfully request that the rejection of claim 21 be withdrawn and the claims be allowed.

***Interview Request***

If the claims are not found by the Examiner to be allowable, the Examiner is requested to call the undersigned attorney to set up an interview to discuss this application.

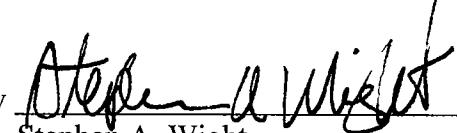
*Conclusion*

The claims in their present form should be allowable. Such action is respectfully requested.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

One World Trade Center, Suite 1600  
121 S.W. Salmon Street  
Portland, Oregon 97204  
Telephone: (503) 595-5300  
Facsimile: (503) 595-5301

By   
Stephen A. Wight  
Registration No. 37,759